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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

| | | |
|------------------------------|---|-----------------------------|
| OMAR STRATMAN, |) | |
| |) | CASE NO. 3:02-cv-0290 (JKS) |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| LEISNOI, INC., KONIAG, INC., |) | |
| and DIRK KEMPTHORNE, |) | |
| Secretary of the Interior, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

QUALIFIED NON-OPPOSITION TO STRATMAN'S MOTION FOR EXTENSION OF TIME

Plaintiff has moved (Docket # 151) for an extension of time through Monday 11, 2007, in which to respond to various briefs submitted by defendants. Defendant Kempthorne has no objection to plaintiff having more time to file his responsive brief. However, Stratman's motion fails to make any modification to the due dates for defendants' reply briefs. The current scheduling order (Docket # 147) sets a due date for plaintiffs' response brief of May 30 and a due date for defendants' replies fifteen days later on June 14. Plaintiff's motion would change his

due date to June 11, but would not change the due date for defendant's replies. Defendant Kempthorne's non-objection to extending plaintiffs' due date is conditioned on the Court resetting defendants' reply due date to July 13. The undersigned will be out of state from June 11, 2007 until June 22. July 13, 2007, is fifteen days thereafter.

Although plaintiff's *motion* only seeks an extension of time to file his opposition, his *proposed order* would additionally alter the current scheduling order by providing that "Stratman shall oppose the motions currently before the Court by filing his opposition, *as well as any cross-motion he wishes to make*, on or before June 11, 2007." (Emphasis added). The current scheduling order does not provide for the filing of cross motions.

Defendant Kempthorne had understood the Court's Order (Docket # 139) to invite briefing by defendants at this point on the threshold jurisdictional issues and on the merits of the Secretary's decision regarding his jurisdiction and the interpretation of Section 1427 of ANILCA. We believe that such an invitation makes sense because, the Secretary's interpretation that Section 1427 ratified Leisnoi's eligibility would, if affirmed, moot all other issues.

It is for the Court to determine the management of the case. We believe that the current briefing scheme furthers judicial economy and recommend against expanding the scope of the threshold briefing to additional issues or briefs.

Respectfully submitted this 1st day of June, 2007.

S/ Bruce M. Landon
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of June, 2007, a copy of the foregoing Qualified Non-Opposition was served electronically to the following:

John R. Fitzgerald
Michael J. Schneider
Collin Middleton

s. Bruce M. Landon
BRUCE M. LANDON